

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

DEAN TERRY,

Petitioner,

v.

**9:10-CV-0808
(NAM/RFT)**

DAVID UNGER, Superintendent,

Respondent.

APPEARANCES:

OF COUNSEL:

DEAN TERRY

Petitioner, *pro se*

Mailed to last known address

HON. ERIC T. SCHNEIDERMAN

Attorney General for the State of New York

Attorney for Respondent

The Capitol

Albany, NY 12224

Alyson J. Gill, Esq.

Assistant Attorney General

NORMAN A. MORDUE, U. S. DISTRICT JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge Randolph F. Treece, duly filed on the 25th day of April 2013. Following fourteen (14) days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

Such Report-Recommendation, which was mailed to plaintiff's last known residence, was returned to the Court as undeliverable to plaintiff at such address. *See* docket no. 25.

Additionally, plaintiff was previously advised by the Court that plaintiff was required to promptly notify the Clerk's Office of any change in his address, and that failure to keep such

office apprised of his current address would result in the dismissal of the instant action. *See* docket no. 5.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety and judgment be entered accordingly.

2. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: May 30, 2013
Syracuse, New York


Honorable Norman A. Mordue
U.S. District Judge